

## **REMARKS**

In response to the Office Action mailed on March 10, 2005, Applicant wishes to enter the following remarks for the Examiner's consideration. Claims 1-29 and 31-40 are pending in the application.

### **Rejection of claims under 35 USC §112**

Claims 31-36 are rejected under 35 USC §112, second paragraph, as indefinite. In particular, the claim from which claim 31 depends is questioned. Claim 31 is amended to correct its dependency. Applicant thanks the Examiner for identifying the informality.

### **Rejection of claims under 35 USC §102 and §103**

Claims 1-4, 7-33, and 36-40 are rejected under 35 USC 102(e) as anticipated by US Patent Application Publication No. 2003/0004670 to Schmit et al. (herein "the Schmidt publication"). Claims 5, 6, 34 and 35 are rejected under 35 USC 103(a) as rendered obvious by the Schmit publication in view of US Patent Application Publication No. 2002/0026514 to Ellis et al. (herein "the Ellis publication").

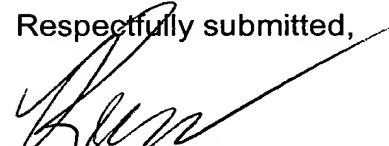
Applicant submits an affidavit under 37 CFR 1.131 that swears back of the Schmidt publication thereby removing the Schmit publication as prior art. The affidavit establishes conception of the claimed invention on a date prior to the effective date of the Schmit publication and diligent reduction to practice. As such it is believed that the rejection of claims 1-4, 7-33, and 36-40 is now rendered moot. It is further believed that the Ellis publication does not support

a rejection under 35 U.S.C. §103. Applicant notes for the record that the Schmit publication was first used to support a new grounds of rejection in the latest office action; it had not been previously used as a grounds of rejection in previous office action.

Accordingly, Applicant respectfully requests that the rejections be withdrawn and a Notice of Allowability of all pending claims be forthcoming at the Examiner's earliest convenience.

Please contact the undersigned if you have any questions regarding this application.

Respectfully submitted,



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